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2 NYS DEPARTMENT OF CORRECTIONS
3 AND COMMUNITY SUPERVISION
4 BOARD OF PAROLE

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Parole Board Hearing

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In the Matter
of

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DIN
NYSID

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TYPE OF INTERVIEW: Reappearance

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LOCATION: (Video conference)
Otisville Correctional Facility

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DATE: July 29th, 2014

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BEFORE: COMMISSIONER JAMES FERGUSON
COMMISSIONER SALLY THOMPSON
CHAIRWOMAN/COMMISSIONER TINA STANFORD

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ALSO PRESENT: M. Brooks, Acting SORC
A. Smith-Roberts, DSP
L. Legenos, ORC

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REPORTER: Lori Ciofalo, Hearing Reporter

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1 COMM. THOMPSON: Good evening. [REDACTED]

2 THE INMATE: Good evening. Yes.

3 COMM. THOMPSON: I am Commissioner Thompson.

4 Also, on the panel with me today are Commissioners
5 Ferguson and Stanford.

6 COMM. STANFORD: Good evening.

7 COMM. FERGUSON: Hello, sir.

8 THE INMATE: Good evening.

9 BY COMMISSIONER THOMPSON:

10 Q. Sir, you are here today for a reappearance.

11 Crime of conviction, Murder, Second, serving
12 twenty-five to life-year sentence; Manslaughter, First,
13 twelve and-a-half to twenty-five; Criminal Possession of
14 a Weapon, Second, seven and-a-half to fifteen; and
15 Attempted Robbery, First, seven and-a-half to fifteen,
16 all by verdict; is that correct?

17 A. Yes.

18 Q. The instant offense involved you, during the
19 course of a robbery, shooting the victim, causing his
20 death. Why did you involve yourself with this crime,
21 sir?

22 A. The night before, I came home from work, and I
23 had went gambling, and I had lost my money. I met these
24 dudes at the gambling spot, and they asked me, did I
25 want to commit a robbery, and I agreed. We went to the

1 cab stand, and that's where the Attempted Robbery took
2 place.

3 I did it out of greed, because I lost all my
4 money. I did it out of ignorance. Nobody else got
5 arrested. I got arrested the next day. They asked me
6 about the guys. I didn't know the guys. I had just met
7 them. I went to trial, and I lost.

8 Q. Did you have the gun and did you shoot the
9 victim?

10 A. Yes, I did.

11 Q. Prior to the instant offense, you did have a
12 Criminal Possession of a Weapon, Third. Was that also a
13 gun?

14 A. Yes.

15 Q. And why were you carrying a gun in the community?
16 I also see a YO Robbery, Third, at one point.

17 Why so much crime?

18 A. I had a gambling fetish. When I would lose my
19 money, I would commit robberies, like an idiot.

20 Q. So there were other robberies that you did not
21 get caught for; is that what you're saying?

22 A. Unfortunately, I got caught for every robbery I
23 committed. The only crimes I didn't get caught for was
24 the illegal gambling I did.

25 Q. Where did you get the gun from, one of your

1 co-defendants that you didn't know?

2 A. Yes.

3 Q. You didn't know this victim, at all?

4 A. No, I didn't know.

5 Q. How old was the victim, do you know?

6 A. He was maybe in his late fifties.

7 Q. Did you know that you had killed him?

8 A. No. No. I shot him in the stomach, so I didn't
9 think I had killed him.

10 Q. Why did you feel that you had to shoot him?

11 A. Because, actually, when I pulled out the gun, he
12 must have thought the gun was a fake gun, being that it
13 was so small. It was a .22. He swung at me, so I shot
14 him in the stomach.

15 Q. And did you also rob him? Did you take anything?

16 A. No.

17 Q. Did your co-defendants?

18 A. No.

19 Q. So he was shot, and then you ran away?

20 A. Yes.

21 Q. We do not have your Sentencing Minutes, but they
22 were requested on two separate occasions. We did try to
23 obtain them. We did give the court more than ample time
24 to respond, and they have not.

25 You were there at sentencing. Was there anything

1 said, that you would like to bring to our attention?

2 A. No.

3 Q. Upon release, sir, you plan to reside with a
4 cousin; is that still the case?

5 A. Yes.

6 Q. What programs are you in now?

7 A. I'm a porter in 107, as of now. I was just the
8 [REDACTED], several months ago.

9 Q. And what do you do there as [REDACTED]

10 A. With the superintendent, we try to bridge the gap
11 between offenders and administration. We also provide
12 roses for the mothers, on Mother's Day, and toys for
13 little kids on Christmas, and things of that nature.

14 Q. Are you still involved with that?

15 A. Yes, I am.

16 Q. But you are not the [REDACTED]

17 A. No, I'm not the [REDACTED] no more.

18 Q. How far have you gone with your education?

19 A. I have a Master's degree.

20 Q. In what?

21 A. Religion.

22 Q. And you did complete ART.

23 A. Yes.

24 Q. You did your vocational. I do see your parole
25 packet that you put together. Did you do that yourself?

1 A. Yes.

2 Q. I passed it on to my fellow Commissioners.

3 I see that your brother has his own company, and
4 he is willing to employ you there?

5 A. Yes.

6 Q. [REDACTED] That's a [REDACTED]
7 company?

8 A. Yes.

9 Q. Who else do you have out there?

10 A. I have my other brothers, I have my sister, I
11 have my cousins, I have my aunt.

12 Q. And I do see you have letters of support in that
13 respect, as well.

14 A. Yes.

15 Q. We do have your COMPAS Risk Assessment. You
16 scored low for risk of felony violence. History of
17 violence is medium. Re-entry to substance abuse is
18 unlikely.

19 So you were out there committing these crimes,
20 because of your gambling?

21 A. A gambling fetish, yes.

22 Q. No drugs or alcohol issues, at all, in the
23 community?

24 A. No, none.

25 Q. Why not get a second job?

1 A. Yeah, I should have. If I'd knew better, I'd do
2 better. That's why I tried to educate myself while I
3 was in prison. The more you know, the more you grow. I
4 was twenty-five-years old, but I was thinking like a
5 seventeen-year old.

6 Q. Were you working at the time?

7 A. Yes, I was working at that time.

8 Q. I see your disciplinary has improved over the
9 years. Your last disciplinary looks like it was in '05;
10 is that correct?

11 A. Yes.

12 COMM. THOMPSON: Commissioners, any other
13 questions?

14 COMM. FERGUSON: Nothing additional. Thank
15 you.

16 COMM. STANFORD: No questions. Thank you.

17 COMM. THOMPSON: You have the last word, [REDACTED]

18 [REDACTED] Is there anything else?

19 THE INMATE: Yes, I do have one thing I have
20 to say.

21 I have a deep-seeded remorse for [REDACTED]
22 [REDACTED] because he didn't have to die like that. I
23 wish I could right that terrible wrong. If I had it my
24 way, you know, I would like to have God prepare me, as
25 far as when I go or perish, that I could meet up with

1 him, and I could explain the things to him about how I'm
2 feeling in terms of my remorse, my regret, and my
3 sorrow.

4 COMM. THOMPSON: Thank you very much,

5 [REDACTED]

6 We will review your case and you will hear from us,
7 in writing, in a couple of days.

8 (Hearing concluded.)

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[REDACTED]

DECISION

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2 COMM. THOMPSON: [REDACTED] Hold
3 twenty-four months. Next appearance, 7/16.

4 After a careful review of the record and interview,
5 the panel has determined, that if released at this time,
6 your release would not be compatible with the welfare of
7 society.

8 The heinous nature of the instant offense of
9 Murder, Second; Manslaughter, First; Criminal Possession
10 of a Weapon, Second; and Attempted Robbery, First;
11 involved you, while acting in concert, in an Attempted
12 Robbery, shooting the victim, causing his demise.

13 Your actions clearly displayed a propensity for
14 violence and a callous disregard for the sanctity of
15 human life.

16 The panel has considered all required statutory
17 factors, as well as your risk to the community,
18 rehabilitative efforts, needs for a successful
19 reintegration, release plan, institutional adjustment,
20 community support, community opposition, and parole
21 packet; however, despite your positive efforts while
22 incarcerated, your release would greatly undermine
23 respect for the law and trivialize the tragic loss of
24 life that you caused.

25 (All Commissioners concur.)

CERTIFICATION

I, Lori Ciofalo, Court Reporter and Notary Public,
in and for the State of New York, do hereby certify that
I attended the foregoing proceedings, took stenographic
notes of the same, and that the foregoing, consisting of
10 pages, is a true and correct copy of the same and
whole thereof.

Lori Ciofalo

Lori Ciofalo, Court Reporter

Dated: July 29th, 2014